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EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,884

Applicant(s)

HSU, JYH-SHING

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001 et al.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010921.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: see attached Office Action.

Art Unit: 2142

1. Claims 1-15 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols [®], where required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

- a) "the first and second communication interfaces"--claim 1(lines 16-17)[“interfaces” in the plural fails to indicate if there are more than one first communication interfaces and more than one second communication interfaces and is thus vague unlike –the first communication interface and the second communication interface–] same for claim 2 (last two lines), claim 4, claim 5 (though not in the plural), claim 6, and in other claims within claims 7-15;
- b) “the call”—claim 2 (line 4)[see claim 1 (line 4 “a call” and line 6 “a call”) and claim 2 (line 3 “a call”).

7. As to 6 (a and b) above, these are but a few examples of numerous cases where clear antecedent bases are lacking and not an exhausting recital. Any other term(s) or phrase(s) overlooked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is indefinite for the reasons outlined in this paragraph. Also, these are but a few examples where term(s) or phrase(s)

Art Unit: 2142

are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introductions of a term, or changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive.

8. Numerical antecedent bases are also lacking. For example, per claim 1 (line 9), there is a first communication interface for the computer telephone speech server unit (claim 1 (line 3) thus suggesting a second communication interface for the computer telephone speech server unit. Same holds for the detecting unit (claim 1 (line 10)) which contains a second communication interface for the detecting unit without a recital of a first communication interface for the detecting unit. Same holds for such things as in claim 1 (line 18 "a first predefined time period" without a second predefined time period).

9. Per claims 1 and 15 (last line), it cannot be clearly ascertained who performs the reset operation since there is a reset module and yet the detecting unit is the one sending a reset message. Thus, it is not certain if the reset module performs the actual reset or if the detecting unit performs the reset via the reset message. If such be the reset module, the phrase "the detecting unit issuing a reset message to the reset module of the computer telephony speech server unit and the reset module performing a reset operation."

10. The phrase "corresponding to" in claim 1 (line 11) fails to distinguish any structure.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

12. Claims 1-15 are rejected under 35 U.S.C. 102 (e) as being anticipated by Buhlet et al. (6,128,285).

13. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the

Art Unit: 2142

position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

14. Per claim 1, Buhler taught a computer telephony speech system (e.g., see Title, Abstract, and figures) capable of detecting a crash and being reset (reset or reboot per col. 2 (lines 54-59)) automatically, comprising a computer telephony speech server unit (per figure 1 (100)) which inherently included a telephone speech (i.e., "voice") interface for answering a call and a computer telephony speech module for providing telephone speech service normal to such phones as covered in and starting with col. 1 (line 10-et seq.)). When the telephone speech interface answered a call, it issued an active message per col. 2 (line 60-et seq.) to col. 3 (line 30)). A reset module (e.g., see col. 2 (line 59), col. 3 (lines 40-46), and elsewhere) was presented in the system for resetting the computer telephony speech system. The computer telephony speech server unit also contained a first communication interface per col. 3 (lines 21-30) such as via Ethernet. There was also a detecting unit (e.g., see figure 1 (130 along with 120 and 160)) including a second communication interface (also on the Ethernet link per col. 3 (lines 21-30)) corresponding to the first communication interface (that is the corresponding being the Ethernet link) for connecting the detecting unit to the computer telephony speech server unit. There was also a dial interface for dialing and connecting to the computer telephony speech server unit with the detecting unit figure 2A and/or figure 2B (which stated "any type of network connection" such would cover POT (Plane Old Phone) and thus dialing of col. 1 (line 31)); and, a detecting module for receiving the active message through the first and second communication interfaces per col. 2 starting with line 60 which further enumerated that if the detecting module did not receive an active message in a first predefined time period, the detecting module issued a reset message to the reset module for performing a reset operation as indicated herein this paragraph with respect to the reset (reboot) function as further shown in the applied evidence of record (US 6,128,285 as herein being applied above and here).

15. Per claim 2, the Ethernet link was implemented to send a reset or the use of dial-up if that should have failed per col. 2 (line 41 "dial-up").

16. Per claim 3, such would be self-reset normal to the phone per col. 6 (lines 17-43).

17. Per claims 4, 5, 6, 7, 8, and 9, such is the composition of an Ethernet link based system per col. 2 (line 42 "card") or serial link (RS232).

18. Per claim 10, see col. 1 (lines 10-67).

19. Per claim 11, see figure 1.

Art Unit: 2142

20. Per above, Buhler taught resetting a telephony based system that had crashed where the crash is detected upon failure to send active messages over a given period of time (i.e., watchdog timer).

21. Per claims 12, 13, 14, and 15, such are mirrored method claims that do not teach or defined above the correspondingly rejected claims provided above and thus these method claims are also rejected for the reasons stipulated above under 35 U.S.C. 102(e).

22. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896. The fax phone number for all papers is (703) 872-9306.

25. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142